

**UNITED STATES DISTRICT COURT**

**DISTRICT OF MASSACHUSETTS**

**Comcast of Southern New England**  
**("Comcast")**

Plaintiff,

vs.

**Michael Worster**

Defendant

) Case No.: **1-05-cv-10484 EFH**

) **JOINT STATEMENT OF THE PARTIES**  
) **PURSUANT TO LOCAL RULE 16.1(D)**

Now come the Plaintiff, Comcast, pursuant to Local Rule 16.1(D), does hereby submit the following Joint Statement to this Honorable Court.

**I. PARTIES' CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b), 26(f), office of Plaintiff's Counsel, Attorney John M. McLaughlin sent Defendant's Counsel, Phillip N. Beauregard a draft of this report via first class mail on June 23, 2005. In this message, it was requested of Attorney Beauregard contact Plaintiff's Counsel to finalize this report. Since that date, Plaintiff's Counsel has called, e-mailed, and sent a letter via first class mail to Defendant's counsel requesting that he respond to the draft of the 26(f) report. To date, Attorney Beauregard has not responded to the draft of the 26(f). Accordingly, this document represents the wishes of the Plaintiff in regards to the 26(f) report.

**II. SETTLEMENT PROPOSAL**

Counsel for the Plaintiff does hereby certify that he presented a Settlement Proposal form accompanying the Joint Statement, pursuant to Local rule 16.1(C) to the Defendant. At this

time, the Defendant is apparently not in a position to accept the Plaintiff's demand for settlement of the above matter.

### **III. MEDIATION**

The Plaintiff agrees to submit this dispute to non-binding mediation before the Senior Judge, Magistrate, or Panel Member pursuant to Local Rule 16.4(c)(4). The mediation can occur as soon as it can be scheduled and in the meantime discovery can proceed in accordance with this Court's order.

### **IV. JOINT STATEMENT AS TO DISCOVERY/MOTIONS**

The following represents the wishes of the Plaintiff and is submitted to the Court such that the Court can utilize same in devising the Scheduling Order.

1. All discovery should be completed by April 14, 2006.
2. The depositions of non-expert witnesses shall not exceed seven (7) hours per witness unless leave of the Court has been obtained or a written stipulation of the parties has been entered into to exceed said seven (7) hour limitation. The parties may also utilize subpoena duces tecum in conjunction with these non-expert depositions.
3. The Parties propose that the written discovery shall include, but not limited to, interrogatories, requests for production, and requests for admissions. Pursuant to Fed. R. Civ. P. 33, interrogatories shall be limited to 25 in number, including sub-parts. Pursuant to Fed. R. Civ. P. 34, each person shall have the opportunity to submit two sets of requests for production of documents and things to the other party.
4. The Plaintiff shall disclose to the Defendant all experts relied upon by the Plaintiff Defendant no later than April 21, 2006.
5. The Defendant shall disclose to the Plaintiff all experts relied upon by the Defendant no later than May 15, 2006.

6. Motions, including motions filed pursuant to Fed. R. Civ. P. 56 shall be filed no later than June 5, 2006.
7. On or about July 5, 2006 court will hold a hearing on any pending motions not already determined and/or on the status of the case.

#### **VI. CERTIFICATION**

Undersigned Counsel for Plaintiff certifies that it attempted to consult with the Defendant's Counsel to discuss the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case. Due to lack of response from Defendant's Counsel, the following proposed case management plan is untimely and is in the point of view of the Plaintiff only. Counsel for Plaintiff further certifies that he has forwarded a copy of this report to the Defendant's Counsel.

#### **VII. CONSENT TO APPEAR BEFORE A MAGISTRATE**

The Plaintiff is amenable to Trial before a Magistrate; Defendant is amenable to Trial before a Magistrate, but reserves his right to Jury Trial.

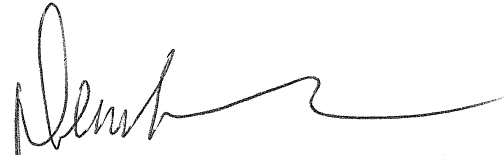
Respectfully Submitted for the Plaintiff,  
By Its Attorney,

Date

9/12/05

  
John M. McLaughlin

**Green, Miles, Lipton & Fitz-Gibbon LLP**  
77 Pleasant Street  
P.O. Box 210  
Northampton, MA 01061-0210  
Telephone: (413) 586-0865  
BBO No. 556328

A handwritten signature in black ink, appearing to read 'Deena Vandenberghe', written over a horizontal line.

Deena Vandenberghe  
Settlement and Collections Manager

Respectfully Submitted for the Defendant,  
Michael Worster  
By His Attorney

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Date

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Philip N. Beauregard  
BEAUREGARD, BURKE & FRANCO  
The Andrew Robeson House  
P.O. Box 952  
32 William Street  
New Bedford, MA 02740

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Date

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Michael Worster  
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New Bedford, MA 02746-1318